

REMARKS

DECLARATION AND POWER OF ATTORNEY

A substitute Declaration and Power of Attorney was filed on November 5, 2004 in order to correct the name of the first inventor. Upon checking PAIR, it does not appear that the inventor's name has been corrected. Applicants have enclosed a copy of the Substitute Declaration and Power of Attorney and request that the name of the first inventor be corrected to read: **B. Brett Finlay**.

FORMAL DRAWINGS

The drawings were objected to in the Office Action dated February 11, 2004. Replacement drawings were submitted together with the Response on July 12, 2004. Applicants request that the examiner please acknowledge the drawings as formal in the next Office Communication.

PRIORITY CLAIM

The examiner has not yet acknowledged claim for priority. Applicants request that the examiner acknowledge the priority claim in the next Office Communication.

STATUS OF THE CLAIMS

Claims 6, 7, 23, 52 and 60-74 are pending in the application and subject to restriction under 35 U.S.C. § 121. Applicants amended claim 72 to correct an inadvertent typographical error introduced in the last paper filed by Applicants ("*E. coli*" was changed to "*E. coli*"). No new matter is added by this amendment.

RESTRICTION REQUIREMENT

The examiner states that the application as amended currently contains claims directed to the following patentably distinct species of the claimed invention:

- (A) Polypeptide comprising SEQ ID NO: 10;
- (B) Polypeptide comprising SEQ ID NO: 11; and
- (C) Polypeptide comprising SEQ ID NO: 7.

The examiner stated that Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no

DOCKET NO.: UBCV-0004
Application No.: 09/189,415
Office Action Dated: January 21, 2005

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generic claim is finally held to be allowable. The examiner stated that claims 52, 63 and 65-72 are generic.


Applicants hereby elect Species (B) (Polypeptide comprising SEQ ID NO:11) for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable.

CONCLUSION

Applicants hereby elect Species (B) (Polypeptide comprising SEQ ID NO:11) for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. Applicants reserve the right to pursue the subject matter of all non-elected claims in one or more related applications. Applicants respectfully request an early and favorable action.

The examiner may call the undersigned at 206.332.1380 if a telephonic interview is required.

Date: **March 16, 2005**


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